

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Jeffrey Lamont McDade

Docket No. 5:06-CR-304-1BO

Petition for Action on Supervised Release

COMES NOW Tuell Waters, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jeffrey Lamont McDade, who, upon an earlier plea of guilty to Possession of a Firearm by a Felon in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on July 11, 2007, to the custody of the Bureau of Prisons for a term of 37 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Jeffrey Lamont McDade was released from custody on September 11, 2009, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 27, 2011, the defendant submitted a urine sample at the U.S. Probation Office which tested positive for cocaine. The specimen was confirmed on February 1, 2011, by Alere Toxicology Services, to be positive for cocaine. After submitting the positive sample, the defendant signed an admission of drug use form, acknowledging that he used powder cocaine on or about January 15, 2011. McDade agreed to participate in the Surprise Urinalysis Program and to begin the DROPS sanction in the second use level. During the term of supervised release, no other violations have been detected and all other drug tests have been negative. It is therefore recommended that the conditions of supervised release be modified to include the drug aftercare condition and the DROPS sanction. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
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2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Senior U.S. Probation Officer

/s/ Tuell Waters
Tuell Waters
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: February 4, 2011

ORDER OF COURT

Considered and ordered this 6 day of Feb., 2011, and ordered filed and made a part of the records in the above case.

Terrence Boyle
Terrence W. Boyle
U.S. District Judge